

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9004-05 Empire Engineering Corporation and Globe
Investment Corporation, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr.
William F. McIntosh not voting, the following Order was entered
at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER -- March 20, 1967

ORDERED:

That the appeals for a variance from the side yard requirements of the R-5-A District to permit town houses at approximately 1725 Galen Street, SE., lots 5,6,8-14,4,7,47-49,803, square 5754, be granted.

FINDINGS OF FACT:

- (1) Appellants property is located in an R-5-A District.
- (2) The subject has an irregular shape and has a steep grade with an elevation of 166 feet at the highest point and an elevation of 110 feet at the Galen Street level.
- (3) The property consists of fourteen (14) lots containing approximately 28,288 square feet.
- (4) Appellants propose to erect fourteen townhouses on the subject site, each with a frontage of 20 feet and depths ranging from 86 feet to 111 feet.
- (5) Appellants state that the topography is such that the building of apartments at the subject site would be economically prohibitive. Under the prescribed FAR it is estimated that there could be built approximately 25 to 28 units, depending upon the size of the units. In addition, there would be required retaining walls from 14 to 16 feet in height in order to provide the necessary required parking.

(6) Appellants' data relating to the asserted economic hardship shows that development of the site in accordance with present zoning would require the removal of a great amount of earth and extensive construction of retaining walls. The costs are:

Removal of earth	\$18,150.00
Construction of retaining walls	32,500.00
Concrete footings for walls	1,600.00
Total	<hr/> \$52,250.00

According to appellants, these costs would require the expenditure of 2,090.00 per dwelling unit over and above normal costs.

(7) By constructing townhouses, appellants state that the problems can be circumvented. "The individual units with their contained parking areas or garages can be stepped to meet the 13.5% grade of Green Street and the 11.5% grade of Galen Street. With the dwelling and parking space occupying the same land area, more use can be made of the remainder for grading and also for useful yards." (Exhibit No. 17)

(8) Appellants also presented evidence to indicate that financing for R-5-A type apartment houses was most difficult to obtain. However, loans for individual town-houses are more readily available.

(9) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owners. Appellants property is such that the development of the site under the R-5-A zoning would be difficult and pose very substantial problems. In addition, the proposed townhouse arrangement would not seem to be incompatible with the R-5-A zoning as the same area can be developed to a lesser density than the existing zoning. There would also be satisfied a need for single family dwellings in the area of this site.

We hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

OPINION BY MR. HATTON:

In my opinion the relief granted in this appeal serves the public and community objectives better than relief granted by the Board in other cases related to difficult topographic conditions. In this appeal the variance results in a reduction of costs and intensity of development with the accompanying reduction of grading, drainage, and erosion problems. The appeal also supports my contention that an increase in the FAR is not always the best means of overcoming the added cost of developing a difficult site.